

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



DEIGHAN LAW LLC,

Appellant,

v.

WILLIAM K. HARRINGTON,

Appellee.

20-cv-1143 (JLS)

20-cv-1144 (JLS)

ORDER

In two separate but substantially similar matters,¹ Appellant Deighan Law LLC—which, according to Appellant, is generally known as UpRight Law or UpRight Law LLC—seeks interlocutory review of the bankruptcy court’s order granting the United States Trustee’s motion to compel UpRight to respond to interrogatories. *See* Case No. 20-cv-1143; Case No. 20-cv-1144.

The Court has studied and considered the parties’ arguments regarding UpRight’s motion for leave to pursue an interlocutory appeal. Dkts. 1, 5, 8. On these facts, the Court declines to grant such leave. *See In re Kassover*, 343 F.3d 91, 94 (2d Cir. 2003) (pursuant to 28 U.S.C. § 158(a)(3), district courts have discretionary appellate jurisdiction over an interlocutory order of a bankruptcy court); *see also In re Cornerstone Homes, Inc.*, Nos. 17-CV-6115-FPG, 17-CV-6116-FPG, 2017 WL 1370999, at *1-*2 (W.D.N.Y. Apr. 4, 2017) (denying leave to appeal


¹ Although the matters are not joined or consolidated, the parties used virtually the same briefs in both matters. This Order applies to both matters. CM/ECF references are applicable to both matters.

after applying the standard set forth in 28 U.S.C. § 1292(b) and concluding that appellants failed to identify “exceptional circumstances” to “justify departing from the basic policy of postponing appellate review until after the entry of a final judgment”).

The motions for leave to appeal are denied. Dkt. 1. The motions for a “limited order staying enforcement” of the bankruptcy court’s August 7, 2020 Order are denied as moot. Dkt. 9. The Clerk of Court shall close these matters.

SO ORDERED.

Dated: February 4, 2021
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE